

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

UNITED STATES OF AMERICA

v.

DONALD L. BLANKENSHIP

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Criminal No. 5:14-cr-00244

MOTION FOR PRETRIAL CONFERENCE

Defendant Donald L. Blankenship, through undersigned counsel, respectfully requests, pursuant to Fed. R Crim. P 17.1, that the Court hold a pretrial conference in this matter. Such a conference will materially contribute to the orderly conduct of the trial and advance the interest of justice.

As of now, counsel are obliged by Order to provide *voir dire* questions and witness lists to the Court on September 8. Counsel are also obliged, upon receipt of completed jury questionnaires, to consult to determine agreement on challenges for cause. There are other scheduling, procedural, and substantive issues which are outstanding and which could and should be resolved prior to trial.

This case promises to be longer and more complex than most. It will pose challenging evidentiary issues as well as unprecedented theories of criminal responsibility. Defense counsel believe that the orderly conduct of the trial will be improved by a pretrial conference of the sort contemplated by Rule 17.1 at which the parties and the court can address motions *in limine* as well as other issues of admissibility which are surely to arise.

In addition, there are important outstanding discovery issues, as well as what the government will be required to disclose concerning coconspirators. These and other issues, including the Court's expectations of the trial day schedules, would benefit from a conference in which the Court and counsel discuss and resolve them or which the Court, after hearing from counsel, may control by order.

Defendant respectfully requests that at such a conference the Court hear and consider resolution of:

1. *In limine* motions;
2. Disclosure and exchange of premarked exhibits;
3. Objections, if any, to the authenticity of any exhibit;
4. Notice of the order of witnesses;
5. Notice and disclosure of graphics or demonstrative exhibits to be used to illustrate testimony or in opening statement or closing argument;
6. Conduct of *voir dire*;
7. Time allotted for opening statements;
8. Procedure for determining the admissibility of hearsay and conduct under the coconspirator exception;
9. Schedule for trial days;
10. Outstanding discovery issues;
11. Good faith estimates of trial length;
12. Such other matters as the Court shall determine.

Dated: August 31, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been electronically filed and service has been made
by virtue of such electronic filing this 31st day of August 2015, on:

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